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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,228	06/05/2006	Nigel Buckley	CCALL_00003	3779
22858	7590	03/26/2008		
CARSTENS & CAHOON, LLP			EXAMINER	
P O BOX 802334			SCHILLER, ALINA	
DALLAS, TX 75380				
			ART UNIT	PAPER NUMBER
			3671	
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			03/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,228

Applicant(s)

BUCKLEY ET AL.

Examiner

ALINA SCHILLER

Art Unit

3671

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 5-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 5-7, 9-15, 17, 18 and 20 is/are rejected.
- 7) ☒ Claim(s) 8, 16 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

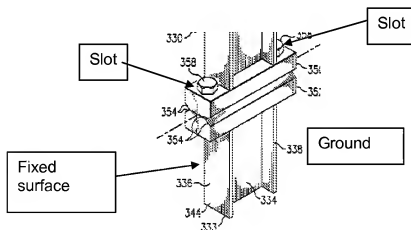
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 5-7, 9, 13, 14, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longo 5,592,717 in view of Albritton 6,488,268.

Regarding claim 5, Longo discloses a vehicle barrier system (10, Fig. 1) including a barrier (12) movable between an open position to allow vehicle access therethrough and a closed position which prevents vehicle access therethrough (col. 2, lines 46-49), said barrier being attached to barrier supports (46) at either end of said barrier. However, Longo fails to disclose that said barrier supports are secured to a slide plate which will slide after a predetermined force is applied thereto by vehicle impact with said barrier to absorb the impact energy of said vehicle, wherein movement of the slide plate is controllable by the shearing of at least one rivet securing said slide plate to at least one fixed surface on which it slides, said at least one rivet protruding through at least one slot in said slide plate from said fixed surface. Albritton teaches that it is well known in the art to have supports (330, Fig. 10) secured to a plate (350, 352), wherein movement of the plate is controllable by the shearing (col. 3, lines 37-41)

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of at least one rivet (358) securing said plate to at least one fixed surface (as seen in the modified picture below taken from Fig. 10) on which it is affixed, said at least one rivet protruding through at least one slot in said plate from said fixed surface (as seen in the modified picture below). The examiner notes that the plate will inherently slide after a predetermined force is applied thereto by vehicle impact (col. 11, lines 63-65) with said barrier to absorb the impact energy of said vehicle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Longo to have the supports secured to a plate, as taught by Albritton, as an alternate means of mounting a support to the ground, wherein movement of the plate is controllable by the shearing of at least one rivet securing said plate to at least one fixed surface on which it is affixed.



Regarding claim 2, the combination above would result in the plate being sufficiently long to have a part of said vehicle sitting thereon at impact.

Regarding claim 6, Albritton discloses a pair of slots (as seen in the modified picture above) and said plate rests on said at least one fixed surface (as seen in the modified picture above) which is formed by a pair of ground engaging (col. 11, lines 27-28) beams (336, 338) aligned with respective slots (Fig. 10).

Regarding claim 7, Albritton discloses a pair of slots on opposing sides of said plate (Fig. 10) and said plate rests on said at least one fixed surface (as seen in the modified picture above; col. 11, lines 27-28).

Regarding claim 9, Longo discloses that the barrier allows structural deformation to occur to absorb impact forces, since deformation is an inherent material property.

Regarding claim 13, Longo discloses that the barrier includes a first (12 left, Fig. 1) and second barrier (12 right) pivotally attached at their opposing ends (as seen in Fig. 1), said barriers being pivotally swung from their opposing ends into said open position and pivotally swung closed into said closed position (col. 1, lines 11-14; col. 2, lines 47-52; col. 3, lines 30-33).

Regarding claim 14, Albritton discloses that at least one fixed surface is an anchor plate which is secured to the ground by affixing means (as seen in the modified picture above).

Regarding claim 18, Longo discloses a vehicle barrier system (10, Fig. 1) including a barrier (12) movable between an open position to allow vehicle access therethrough and a closed position which prevents vehicle access

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therethrough (col. 2, lines 46-49), said barrier being attached to barrier supports (46) at either end of said barrier, said barrier supports being secured to the ground (Fig. 1). However, Longo fails to disclose that the supports are secured on at least one ground engaging plate, a pair of bridging slide plates on one side of each of said barrier supports attached at one end to a respective said barrier support and at the other end to said at least one ground engaging plate, said slide plates joined by at least one rivet, said slide plates movable with respect to one another when said at least one rivet is sheared after a predetermined force is applied from vehicular impact with said barrier to absorb the impact energy of said vehicle. Albritton teaches that it is well known in the art to have supports (330, Fig. 10) secured on at least one ground engaging plate (336, 338), a pair of plates (350, 352) on one side of each of the supports attached at one end to a respective support and at the other end to said at least one ground engaging plate (Fig. 10), said plates joined by at least one rivet (358). The examiner notes that the plates are inherently movable with respect to one another when said at least one rivet is sheared (col. 3, lines 37-41) after a predetermined force is applied from vehicular impact (col. 11, lines 63-65) with said barrier to absorb the impact energy of said vehicle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Longo to have the supports secured on at least one ground engaging plate, a pair of plates on one side of each of said barrier supports attached at one end to a respective said barrier support and at the other end to said at least one ground

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engaging plate, said plates joined by at least one rivet, as taught by Albritton, as an alternate means of mounting a support to the ground well known in the art.

Regarding claim 20, Albritton discloses that the movement of the plates is controllable by the shearing of a plurality of rivets (358, Fig. 10), said plurality of rivets protruding through at least one slot in one of said plates (as seen in Fig. 10 and modified picture above).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Longo 5,592,717 in view of Albritton 6,488,268, as applied to claim 5 above, and further in view of McCain et al 6,119,399.

Longo as modified by Albritton discloses a vehicle barrier system as previously set forth, but fails to disclose that said barrier can be raised into said open position and lowered into said closed position. McCain teaches that a barrier that can be raised into an open position and lowered into a closed position is well known in the art (as seen in Figs. 1 and 2; Abstract), stating that lift gates have been widely used wherever the ground area devoted to a gate was to be minimized, thereby permitting use in cramped areas (col. 1, lines 14-18). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle barrier system of Longo as modified by Albritton to have the barrier able to be raised into an open position and lowered into a closed position, similar to that of McCain, as an alternate design for a barrier well known in the art and widely used, in order to permit use in cramped areas, as taught by McCain.

Claims 11, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longo 5,592,717 in view of Albritton 6,488,268, as applied to claims 5 and 14 above, and further in view of Dickinson 6,382,869.

Regarding claim 11, Longo as modified by Albritton discloses a vehicle barrier system as previously set forth, but fails to disclose that said barrier can be pivotally lowered into said open position and pivotally raised into said closed position. Dickinson teaches that a barrier that can be pivotally lowered into an open position and pivotally raised into a closed position (as seen in Figs. 1 & 2) is well known in the art, stating that the barrier is comprised primarily of cost effective indestructible parts together with several expendible parts (col. 4, lines 21-23; 35-37). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the vehicle barrier system of Longo as modified by Albritton to have the barrier able to be pivotally lowered into an open position and pivotally raised into a closed position, similar to that of Dickinson, as an alternate design for a barrier well known in the art, in order to obtain a barrier comprised primarily of cost effective indestructible parts together with several expendible parts, as taught by Dickinson.

Regarding claim 15, the combination above would result in that the barrier forms part of a ramp in its open position and is pivotally (as seen in Fig. 1 of Dickinson) attached at either side to said plate to be raised (col. 4, lines 40-50 of

Dickinson) from said plate to a substantial vertical position to its closed position (Fig 1 of Dickinson).

Regarding claim 17, Dickinson discloses a further support (36, Fig. 2) coupled at the rear of said barrier (Fig. 2) which would assist in preventing collapse of said barrier from vehicular impact when said barrier is in its substantial vertical position (col. 4, lines 50-53; Fig. 2).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Longo 5,592,717 in view of Albritton 6,488,268, as applied to claim 5 above, and further in view of Wilson et al 5,181,794.

Longo as modified by Albritton discloses a vehicle barrier system as previously set forth, but fails to disclose that said barrier can be slid open into said open position and slide closed into said closed position. Wilson teaches that it is well known in the art to have a barrier that can be slid open into said open position (Fig. 2) and slide closed into said closed position (Fig. 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Longo as modified by Albritton to have the barrier able to be slid open into said open position and slide closed into said closed position, as taught by Wilson, as an alternate design for a barrier well known in the art, to limit the path/space for vehicular access as desired wherever the ground area devoted to a gate was to be minimized.

Allowable Subject Matter

2. **Claims 8, 16 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALINA SCHILLER whose telephone number is (571)270-3088. The examiner can normally be reached on Mon-Fri, 7:30AM-4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on (571)272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas B Will/
Supervisory Patent Examiner,
Art Unit 3671

AS

3/12/2008